

Session of 2022

SENATE BILL No. 455

By Committee on Education

2-8

1 AN ACT concerning education; relating to school attendance; allowing
2 students to transfer to and attend school in any school district in the
3 state; requiring school districts to set transfer capacity and adopt certain
4 transfer policies; establishing an appeals process if a transfer request is
5 denied; amending K.S.A. 72-13,101, 72-3122, 72-3123, 72-3124 and
6 72-3125 and repealing the existing sections.
7

8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. As used in K.S.A. 72-3122 through 72-3125, and
10 amendments thereto:

11 (a) "Homeless child" means a child who lacks a fixed, regular and
12 adequate nighttime residence and whose primary nighttime residence is:

13 (1) A supervised publicly or privately operated shelter designed to
14 provide temporary living accommodations, including welfare hotels,
15 congregate shelters and transitional housing for the mentally ill;

16 (2) an institution that provides a temporary residence for individuals
17 intended to be institutionalized; or

18 (3) a public or private place not designed for, or ordinarily used as, a
19 regular sleeping accommodation for humans.

20 (b) "Nonresident student" or "nonresident transfer student" means a
21 student who is enrolled and in attendance at or seeking to enroll and attend
22 a school located in a district where such student is not a resident.

23 (c) "Parent" means and includes natural parents, adoptive parents,
24 stepparents and foster parents.

25 (d) "Person acting as parent" means:

26 (1) A guardian or conservator; or

27 (2) a person, other than a parent, who:

28 (A) Is liable by law to maintain, care for or support the child;

29 (B) has actual care and control of the child and is contributing the
30 major portion of the cost of support of the child;

31 (C) has actual care and control of the child with the written consent of
32 a person who has legal custody of the child; or

33 (D) has been granted custody of the child by a court of competent
34 jurisdiction.

35 (e) "Receiving school district" means a school district of
36 nonresidence of a student who attends school in such school district.

1 proficiency in the English language, measure of achievement, aptitude or
2 athletic ability.

3 (5) A nonresident student may be granted a one-year transfer and
4 may continue to attend the receiving school district each year with the
5 approval of the receiving school district. At the end of each school year, a
6 school district may deny continued enrollment of the nonresident student
7 in accordance with the policy adopted pursuant to subsection (e).

8 (b) (1) Any student who is the dependent child of a current member of
9 the United States armed forces, as defined in K.S.A. 48-3601, and
10 amendments thereto, shall be eligible for admission to the school district
11 of such student's choice regardless of the capacity of the school district. To
12 be eligible, such student shall have at least one parent who:

13 (A) Has been issued a federal department of defense identification
14 card; and

15 (B) can provide evidence that such parent is or will be on active duty
16 status or active duty orders. "Active duty orders" means official military
17 orders to another location in support of combat, contingency operation or
18 a natural disaster for more than 30 consecutive calendar days.

19 (2) Any sibling of a nonresident student who transfers ~~may attend~~
20 ~~school in the receiving school district if such school district has the~~
21 ~~capacity for such sibling and the school district has no reason for denial~~
22 ~~in accordance with the policy adopted pursuant to subsection (e).~~

shall be given priority to attend school in the receiving school district when a school district next considers transfer applications and such sibling shall not be subject to the open seat lottery.

23 (3) Any child in the custody of the department for children and
24 families who is living in the home of a nonresident student who transfers
25 may attend school in the receiving school district.

26 (c) A student may always enroll at any time in the school district
27 where such student resides. Except for a child in the custody of the
28 department for children and families, a nonresident student shall not
29 transfer more than two times per school year to one or more receiving
30 school districts.

31 (d) The parent of a student seeking a transfer shall apply on an
32 application form prescribed by the state board. The application shall be
33 filed with the superintendent of the receiving school district. On or before
34 the first day of January, April, July and October, the superintendent shall
35 file with the state board of education a statement that includes the names
36 of the nonresident students granted a transfer to the school district, the
37 sending school district of such student and the grade level of such student.

38 (e) On or before January 1, 2023, each board of education of a
39 school district shall adopt a policy to determine the number of nonresident
40 students that the school district has the capacity to accept in each grade
41 level for each school of the school district and the reasons for denial of
42 any application of a nonresident student seeking to transfer to such
43 district. The reasons for denial may include, but not be limited to, high